

EXHIBIT K

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

STATE OF MAINE, and PAUL MERCER, in
his official capacity as Commissioner of the
Maine Department of Environmental
Protection,

Plaintiffs,

v.

ANDREW WHEELER, Acting Administrator,
United States Environmental Protection
Agency, *et al.*

Defendants and

PENOBSCOT NATION and
HOULTON BAND OF MALISEET
INDIANS,

Defendants-Intervenors.

Civil Action No. 1:14-cv-264 JDL

DECLARATION OF KIRK E. FRANCIS

Pursuant to 28 U.S.C. § 1746, I, Kirk E. Francis, declare and state as follows:

1. I am an enrolled citizen of the Penobscot Nation and serve as the elected Chief of the Penobscot Nation.
2. In a telephone conference held on June 27, 2018, Environmental Protection Agency (“EPA”) representatives, including EPA Regional Administrator, Alex Dunn, apprised me and other Penobscot Nation representatives that EPA and Maine representatives had decided to engage in settlement discussions with respect to the above-captioned case without substantive involvement by the Penobscot Nation.
3. In that call, I informed EPA Regional Administrator, Alex Dunn, that recognition of the Penobscot Nation’s sustenance fishing right as, in essence, a treaty right under established principles of federal Indian law would have to be a “lynchpin” of any settlement that the Penobscot Nation would agree to.

4. The EPA representatives on the call gave me no assurance that this would be the case.

5. On the contrary, EPA Regional Administrator, Alex Dunn, stated that she could provide few details about the settlement framework, but that EPA and Maine representatives would endeavor to avoid treating the Nation's sustenance fishing right as a treaty right under principles of federal Indian law.

6. In a telephone conference held on July 27, 2018, EPA representatives apprised me and other Penobscot Nation representatives that settlement discussions with Maine had not proven fruitful, but that EPA had decided to ask this Court for a continuing stay of this case while it further requests that the Court to allow EPA to remand its decisions at issue to itself in order to revise them.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 07/27/18

/s/ Kirk E. Francis
Kirk E. Francis